

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

No. 1:22-cr-0558-RMB

v.

MEMORANDUM ORDER

CARL LEE HOLLOWAY

Defendant.

APPEARANCE:

CARL L. HOLLOWAY

#55131-509

FCI – FORT DIX

P.O. BOX 2000

JOINT BASE MDL, NJ 08640

Defendant Appearing Pro Se

Bumb, Chief District Judge

WHEREAS:

1. On July 14, 2021, Defendant Carl Lee Holloway was charged with various drug offenses, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), as well as 21 U.S.C. § 846. (ECF No. 2.)
2. Assistant Federal Public Defender Lori Koch was representing Defendant until August 12, 2021, at which time privately retained Attorney Stephen P. Patrizio entered his appearance on behalf of Defendant. (ECF No. 17.)
3. Attorney Patrizio maintained an office in Philadelphia, Pennsylvania and was not admitted to the United States District Court/New Jersey bar. (ECF Caption, USA v. Holloway, No. 22-CR-00558 (D.N.J. Aug. 17, 2022).)
4. In addition to his Philadelphia address and phone number, Attorney

Patrizio provided an email address of “rhaelig@dpesq.com” on the docket. (ECF Caption, USA v. Holloway, No. 22-CR-00558 (D.N.J. Aug. 17, 2022).)

5. On August 17, 2022, Defendant pleaded guilty to the drug charges. (ECF No. 36.)
6. On May 30, 2023, this Court sentenced Defendant to a term of 120 months imprisonment, followed by five years of Supervised Release. A fine of \$50,000 (plus interest) and a Special Assessment of \$100.00 were also imposed. (ECF No. 46 at 2, 3.)
7. On June 26, 2023, a copy of the Judgment that had been sent by the Clerk of Court to Attorney Patrizio was received back by the Clerk with a “Return to Sender” notation from the United States Postal Service. (ECF No 47.)
8. On January 2, 2024, January 8, 2024 and March 19, 2024, Defendant emailed an individual named Rich Haelig, asking him to get copies of the discovery used in this case, as well as the transcripts, from “Steve.” (ECF No. 58 at 3–5.)
9. After not receiving the requested documents, Defendant filed the instant “Motion to Compel Defense Counsel to Surrender the Case File in the Above Styled Action to the Defendant of This Case.” (ECF No. 58.)
10. Said Motion seeks significantly more from counsel than simply discovery and transcripts. (ECF No. 58 at 1.)
11. Said Motion does not contain a Certificate of Service—or provide any other indication—that Defendant mailed a copy of same to Attorney Patrizio. (ECF No. 58.)
12. Said Motion does not indicate who “Rich Haelig” is or what his relation was to Mr. Patrizio. (ECF No. 58.)
13. Said Motion indicates the documents sought were necessary for Defendant to file a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. (ECF No. 58 at 1.)
14. On May 14, 2024, Defendant filed a § 2255 Motion. (Holloway v. United States, 24-CV-06156 (D.N.J. May 14, 2024), ECF No. 1.)

15. On June 6, 2024, Defendant amended said Motion containing claims of ineffective assistance of counsel against Attorney Patrizio for alleged failures to properly investigate Defendant's case and advise Defendant of his right to appeal. (Holloway, 24-CV-06156, ECF No. 3.)

16. There is no indication on Defendant's criminal docket that Attorney Patrizio ever terminated his representation of Defendant or withdrew his appearance.

IT IS on this 17th **day of June 2024,**

ORDERED that Defendant's Motion (ECF No. 58) is **DENIED WITHOUT PREJUDICE** on the bases of the deficiencies set forth above and because said Motion appears to be rendered moot by reason of Defendant's recently filed Amended § 2255 Motion; and it is further

ORDERED that the Clerk of the Court shall serve Defendant with a copy of this Order by regular U.S. mail.

Dated: 6/17/24
Camden, New Jersey

/s/ Renée Marie Bumb
Renée Marie Bumb, Chief
United States District Judge